

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

EJW

Mailed: January 8, 2016

Opposition No. 91214867

Horizon Hobby, Inc.

v.

Premier Accessory Group, LLC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

*This order supersedes the order mailed on January 6, 2016, in this proceeding. The order mailed on January 6, 2016, is hereby vacated.*¹

On November 30, 2015, in separate submissions, Applicant filed proposed amendments to its applications Serial No. 85607883 and 85602658, with Opposer's written consent.

By the proposed amendments, Applicant seeks to amend the identification of goods as shown below:²

Application Serial No. 85602658

From: "Battery chargers; Cases for mobile phones; Cell phone battery chargers; Ear buds; Headphones,"

¹ The Board regrets any inconvenience caused to the parties.

² Lined through wording is to be deleted and wording shown in bold type font is to be added to the identification of goods.

To: "Battery chargers, **excluding battery chargers for use with remotely controlled vehicles and excluding battery chargers for use with unmanned vehicle systems comprising unmanned vehicles, transmitters, receivers, serial interfaces, servomotor interfaces, and ground side components, namely, transmitters, receivers, and display screens;** ~~Cases for mobile phones;~~ Cell phone battery chargers; Ear buds; Headphones."

Application Serial No. 85607883

From: "Battery chargers; Cases for mobile phones; Cell phone battery chargers; Ear buds; Headphones,"

To: "Battery chargers, **excluding battery chargers for use with remotely controlled vehicles and excluding battery chargers for use with unmanned vehicle systems comprising unmanned vehicles, transmitters, receivers, serial interfaces, servomotor interfaces, and ground side components, namely, transmitters, receivers, and display screens;** Cases for mobile phones; Cell phone battery chargers; Ear buds; Headphones."

When a request to amend an application is filed, and the application is also the subject of other *inter partes* proceedings, the consent of the other parties in each of the other proceedings must be of record before the Board may approve the amendment. *See* Trademark Rule 2.133(a); TBMP § 514.02 (2015). The record herein does not include the consent of Opposer in Opposition No. 91214700, Speculative Product Design, LLC DBA Speck Products. Therefore, although the amendments are clearly limiting in nature as required by Trademark Rule 2.71(a),

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the Board cannot approve and enter the amendments absent the consent of said Opposer.

In view thereof, Applicant is allowed until *thirty days* from the mailing date of this order in which to file herein the consent thereto of Speculative Product Design, LLC DBA Speck Products. If no response is filed during the time allowed, the Board will resume proceedings will be reset dates, as appropriate.

Proceedings are otherwise **SUSPENDED**.